

ORIGINAL

Approved: Amanda L. Houle
 AMANDA L. HOULE / JASON M. SWERGOLD
 Assistant United States Attorneys



Before: HONORABLE ANDREW J. PECK
 United States Magistrate Judge
 Southern District of New York

16 MAG 5375

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UNITED STATES OF AMERICA

- v. -

JOHNNY JAVIER CUSME LOPEZ,
 JHEFFERSON ESCOBAR MONTANO, and
 NELSON ANTONIO ORTIZ VITE,
 Defendants.

:
 :
 :
 : COMPLAINT
 :
 : 16 Mag.
 :
 : Violation of 46 U.S.C.
 : §§ 70503(a)(1),
 : 70504(b)(1), and
 : 70506(a) & (b)

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SOUTHERN DISTRICT OF NEW YORK, ss.:

RONALD J. HANSEN, being duly sworn, deposes and says
 that he is a Special Agent with the Department of Homeland
 Security Investigations ("HSI"), and charges as follows:

COUNT ONE

(Conspiracy to Violate Maritime Drug Enforcement Laws)

1. In or about July 2016, in Colombia, the high
 seas, and elsewhere, and in an offense begun and committed upon
 the high seas outside of the jurisdiction of any particular
 State or district of the United States, JOHNNY JAVIER CUSME
 LOPEZ, JHEFFERSON ESCOBAR MONTANO, and NELSON ANTONIO ORTIZ
 VITE, the defendants, who will be first brought to and enter the
 United States in the Southern District of New York, and others
 known and unknown, intentionally and knowingly did combine,
 conspire, confederate and agree together and with each other to
 violate the maritime drug enforcement laws of the United States.

2. It was a part and an object of the conspiracy
 that JOHNNY JAVIER CUSME LOPEZ, JHEFFERSON ESCOBAR MONTANO, and
 NELSON ANTONIO ORTIZ VITE, the defendants, and others known and
 unknown, would and did manufacture and distribute, and possess

with intent to manufacture and distribute, a controlled substance on board a vessel subject to the jurisdiction of the United States, in violation of Title 46, United States Code, Section 70503(a)(1).

3. The controlled substance that JOHNNY JAVIER CUSME LOPEZ, JHEFFERSON ESCOBAR MONTANO, and NELSON ANTONIO ORTIZ VITE, the defendants, conspired to manufacture and distribute, and possess with intent to manufacture and distribute, on board a vessel subject to the jurisdiction of the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 46, United States Code, Section 70506(a).

(Title 46, United States Code, Sections 70506(b) & 70504(b)(1); Title 18, United States Code, Section 3238.)

COUNT TWO

(Violation of Maritime Drug Enforcement Laws)

4. In or about July 2016, in Colombia, the high seas, and elsewhere, and in an offense begun and committed upon the high seas outside of the jurisdiction of any particular State or district of the United States, JOHNNY JAVIER CUSME LOPEZ, JHEFFERSON ESCOBAR MONTANO, and NELSON ANTONIO ORTIZ VITE, the defendants, who will be first brought to and enter the United States in the Southern District of New York, manufactured and distributed, and possessed with intent to manufacture and distribute, while aboard a vessel subject to the jurisdiction of the United States, five kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 46, United States Code, Sections 70503(a)(1), 70504(b)(1), 70506(a); Title 18, United States Code, Sections 3238 & 2.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

5. I am a Special Agent with HSI. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and

conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Based on my participation in the investigation, my conversations with other law enforcement agents, and my review of documents obtained during the investigation, I have learned, among other things, that:

a. HSI has been investigating a Colombian drug cartel (the "Cartel") that sends shipments of cocaine to various points around the world by, among other methods, panga boats or "go-fasts." In or about July 2016, HSI received information that the Cartel was sending a go-fast carrying a large shipment of cocaine from Colombia. HSI passed that information on to the United States Coast Guard (the "Coast Guard").

b. On or about July 30, 2016, a Joint Interagency Task Force South aircraft (the "Aircraft") was on routine patrol approximately 220 nautical miles northeast of the Galapagos Islands. While there, an occupant of the Aircraft observed what appeared to be a go-fast boat ("Go-Fast-1") traveling northwest. The Aircraft communicated this information to the Coast Guard command, which dispatched a Coast Guard cutter (the "Cutter").

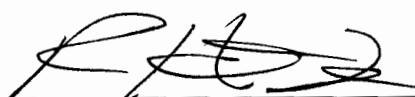
c. The Cutter approached Go-Fast-1 and launched a patrol boat ("Patrol Boat-1") and a helicopter. Patrol Boat-1 fired warning shots and disabling fire at Go-Fast-1, which disabled Go-Fast-1's engines. While en route to Go-Fast-1, Patrol Boat-1 detected a second go-fast boat ("Go-Fast-2") that appeared to be disabled in the water and that was tied to packages floating in the water. The Cutter then dispatched a second patrol boat ("Patrol Boat-2"), which ultimately relieved Patrol Boat-1 so that Patrol Boat-1 could continue its interception of Go-Fast-1.

d. In response to questioning by Coast Guard officers who pulled Patrol Boat-1 up alongside Go-Fast-2, JOHNNY JAVIER CUSME LOPEZ, the defendant, who was on board Go-Fast-2, claimed Ecuadorian nationality for Go-Fast-2. The Coast Guard contacted Ecuadorian authorities, which could neither confirm nor deny the nationality of Go-Fast-2. Accordingly, the Coast Guard treated Go-Fast-2 as without nationality and conducted a law enforcement boarding of Go-Fast-2.

e. Occupants of Patrol Boat-2 (the "Patrol Boat-2 Boarding Team") boarded Go-Fast-2, where they found

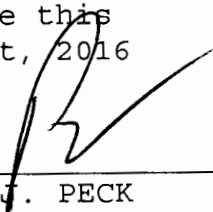
LOPEZ, JHEFFERSON ESCOBAR MONTANO, and NELSON ANTONIO ORTIZ VITE, the defendants. The Patrol Boat-2 Boarding Team recovered approximately fourteen bales from Patrol Boat-2 and the immediately surrounding water. Three samples from the bales were field-tested, and tested positive for the presence of cocaine. In total, the fourteen bales contained approximately 680 kilograms of cocaine.

WHEREFORE, the deponent respectfully requests that warrants be issued for the arrests of JOHNNY JAVIER CUSME LOPEZ, JHEFFERSON ESCOBAR MONTANO, and NELSON ANTONIO ORTIZ VITE, the defendants, and that they be imprisoned or bailed, as the case may be.



RONALD J. HANSEN
Special Agent, HSI

Sworn to before me this
24th day of August, 2016



HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York